

Certification of Consistency

Certification ID: C20184

Step 1 - Agency Profile

A. GOVERNMENT AGENCY:

☐

State Agency

☒

Local Agency

Government Agency: Solano County
Primary Contact: Nedzelene Ferrario
Address: 675 Texas Street
City, State, Zip: Fairfield, CA 94533
Telephone/Fax: 707-784-6765 /
E-mail Address: sue@solanolandtrust.org

B. GOVERNMENT AGENCY ROLE IN COVERED ACTION:

☐

Will Carry Out

☒

Will Approve

☐

Will Fund

Step 2 - Covered Action Profile

IT IS RECOMMENDED THAT YOU ENGAGE IN EARLY CONSULTATION WITH DSC STAFF AND/OR COMPLETE THE COVERED ACTION CHECKLIST TO DETERMINE IF THE PLAN, PROGRAM OR PROJECT IS CONSIDERED A COVERED ACTION AND TO IDENTIFY RELEVANT REGULATORY POLICIES

A. COVERED ACTION PROFILE: ☐ Plan ☐ Program ☒ Project

Title: Rush Ranch Lower Spring Branch Creek And Suisun Hill Hollow Tidal Connections Project

B. PROPONENT CARRYING OUT COVERED ACTION (If different than State or Local Agency):

Proponent Name: Solano Land Trust
Address: 700 Main Street Suite 210
City, State, Zip: Suisun City, CA 94585

C. **AT LEAST 10 DAYS PRIOR TO THE SUBMISSION OF A CERTIFICATION OF CONSISTENCY TO THE COUNCIL**, agencies whose actions are not subject to open meeting laws (Bagley-Keene Open Meeting Act [Gov. Code sec 11120 et seq.] or the Brown Act [Gov. Code sec 54950 et seq.]) with regard to its certification, must post for public review and comment, their draft certification on their website and in their office, and mail to all persons requesting notice.

Any state or local public agency that is subject to open meeting laws with regard to its certification is also encouraged to take those actions.

(Note: Any public comments received during this process must be included in the record submitted to the Council in case of an appeal.)

If applicable, did you comply with this requirement? ☐ YES ☒ NO ☐ N/A

[AMMP Draft_SHH-LSBC_2018-0626.pdf](#), [Draft 100% Restoration Design Plans LSBC SHH_2018-0605.pdf](#), [PMRR_ISMND_FINAL_5-10rev \(2\) August 20 2015.pdf - Adobe Acrobat Pro.pdf](#), [U-90-29-MD-90-05-MR2 \(SLT\) NOD-FILED.pdf](#)

D. **COVERED ACTION SUMMARY:** (Project Description from approved CEQA document may be used here)

Step 2 Item D

Lower Spring Branch Creek-Suisun Hill Hollow Tidal Connections Project

Project Description

The purposes of the Rush Ranch Lower Spring Branch Creek and Suisun Hill Hollow restoration projects are to reconnect the local watersheds to the tidal and diked wetlands, restore native wetland and lower watershed natural habitats, and improve the public access experience at Rush Ranch including the scientific research and educational programs active on the property. Reconnecting these ecosystems will remove barriers to movement of organisms and materials between the wetlands and watershed and expand estuarine transgression space that will allow habitats to move up the drainage gradient as sea levels rise.

Project Design Elements

This section briefly describes the restoration design elements at the Lower Spring Branch Creek and Suisun Hill Hollow sites. A complete description of the project design can be found in the project Draft 100% Restoration Design Report (Siegel Environmental 2018).

Lower Spring Branch Creek

The Lower Spring Branch Creek tidal marsh restoration consists of eight actions described in the following sections. The specific design elements associated with these actions are displayed in Figure 10, while the resulting restored and enhanced habitats and features are displayed in Figure 11. Conceptual cross sections of the design elements are presented in Figure 12. The project elements, relative to USACE and BCDC jurisdiction, are displayed in Figure 13. The restoration actions include:

- 1) Replace the channel crossing culverts through the ranch road/public access path with a single arch culvert
- 2) Lower sections of the ranch road/public access path to allow overtopping during high flow events and improve the path surface
- 3) Lower the L-shaped berm within the muted tidal floodplain marsh to match adjacent marsh elevations
- 4) Excavate a new tidal channel in the muted tidal floodplain marsh, connected to the new arch culvert
- 5) Create a turnout at existing grade, adjacent to the new channel crossing, to facilitate public access and scientific research/monitoring efforts
- 6) Fill in a relict cut in a nearby hillslope with excess excavated material
- 7) Install a new interpretive sign on Grinding Rock Hill
- 8) Native plant revegetation efforts.

The areas and excavation/fill volumes for earthwork elements associated with these actions are provided in Table 3, below.

Table 3. Earthwork Elements, Lower Spring Branch Creek Project

Project Action1 Total Area (ac) Excavation (CY) Fill

(CY)

1. Replace channel crossing2 0.074 137 159
2. Lower and resurface ranch road/public access path 0.110 99 35
3. Lower L-shaped berm 0.471 337 0
4. Excavate tidal channel 0.450 2,100-3,000 0
5. Create public access turnout 0.010 0 0
6. Fill in relict hillslope cut 0.217 0 2,479-3,379

Total 1.332 2,673-3,573 2,673-3,573

1Does not include non-earthwork project actions (sign installation and revegetation)

2Does not include structural fill from the new culvert itself

Suisun Hill Hollow

Five restoration actions are planned at Suisun Hill Hollow to achieve the project goals. The specific design elements associated with these actions are displayed in Figure 19, while the resulting restored and enhanced habitats and features are displayed in Figure 20.

Conceptual cross sections for the design elements are presented in Figure 21. The project elements, relative to USACE and BCDC jurisdiction, are displayed on Figure 22. The specific restoration actions include:

- 1) Lower the impoundment berm and establish a high-water overflow bench and public access path across the valley floor
- 2) Lower the quarry haul road through the valley to match adjacent grades
- 3) Excavate alkali vernal pool depressions within the valley floor
- 4) Lay back the slope from the valley floor up to the quarry and remove relict soil mounds
- 5) Use excavated soils to fill in an old borrow pit and quarry slopes
- 6) The areas and excavation/fill volumes for earthwork elements associated with these actions are provided in Table 5 below.

Table 5. Earthwork Elements, Suisun Hill Hollow

Project Action Total Area (ac) Excavation (CY) Fill

(CY)

1. Lower impoundment berm and establish public access path 0.068 127 0
2. Lower quarry haul road 0.140 165 0
3. Excavate alkali vernal pool depressions 0.253 329 0
4. Lay back quarry slope 0.391 1,352 0
5. Fill in borrow pit and quarry slope 0.529 0 1,973

Total 1.381 1,973 1,973

[Step 2 Part D_PD_SHH-LSBC_2018-0717sws.docx](#)

- E. **STATUS IN THE CEQA PROCESS:** NOD has been filed
- F. **STATE CLEARINGHOUSE NUMBER:** 2015082073
(if applicable)
- G. **COVERED ACTION ESTIMATED TIME LINE:**
- ANTICIPATED START DATE: (If available) 9/1/2018 ANTICIPATED END DATE: (If available) 11/1/2018
- H. **COVERED ACTION TOTAL ESTIMATED PROJECT COST:** \$350,000.00
- I. **IF A CERTIFICATION OF CONSISTENCY FOR THIS COVERED ACTION WAS PREVIOUSLY SUBMITTED, LIST DSC REFERENCE NUMBER ASSIGNED TO THAT CERTIFICATION FORM:**
- J. **SUPPORTING DOCUMENTS:**

Step 3 - Consistency with the Delta Plan

DELTA PLAN CHAPTER 2

G P1 / 23 CCR SECTION 5002 – Detailed Findings to Establish Consistency with the Delta Plan.

In General: (23 CCR SECTION 5002 (a), (b), (1)) This regulatory policy specifies what must be addressed in a certification of consistency filed by a State or local public agency with regard to any covered action.

This regulatory policy only applies after a “proposed action” has been determined by a State or local public agency to be a covered action because it is covered by one or more of the regulatory policies listed under Delta Plan Chapters 3, 4, 5, and 7 of this form. Inconsistency with this policy may be the basis for an appeal.

Covered actions, in order to be consistent with the Delta Plan, must be consistent with this regulatory policy and with each of the regulatory policies listed under Delta Plan Chapters 3, 4, 5 and 7 of this form implicated by the covered action. The Delta Stewardship Council acknowledges that in some cases, based upon the nature of the covered action, full consistency with all relevant regulatory policies may not be feasible. In those cases, the agency that files the certification of consistency may nevertheless determine that the covered action is consistent with the Delta Plan because, on whole, that action is consistent with the coequal goals. That determination must include a clear identification of areas where consistency with relevant regulatory policies is not feasible, an explanation of the reasons why it is not feasible, and an explanation of how the covered action nevertheless, on whole, is consistent with the coequal goals. That determination is subject to review by the Delta Stewardship Council on appeal;

Specific requirements of this regulatory policy:

Mitigation Measures (23 CCR SECTION 5002 (b), (2))

- a. The covered action is not exempt from CEQA, and includes applicable feasible mitigation measures identified in the Delta Plan's Program Environmental Impact Report, (unless the measure(s) are within the exclusive jurisdiction of an agency other than the agency that files the certification of consistency), or substitute mitigation measures that the agency that files the certification of consistency finds are equally or more effective.

Is the covered action consistent with this portion of the regulatory policy?

☒ YES ☐ NO ☐ N/A

Answer Justification: mitigation measure consistency evaluation attached. [table- mitigation.xlsx](#), [AMMP Draft SHH-LSBC 2018-0626.pdf](#), [Draft 100% Restoration Design Plans LSBC SHH 2018-0605.pdf](#)

Best Available Science (23 CCR SECTION 5002 (b), (3))

- b. The covered action documents use of best available science as relevant to the purpose and nature of the project.

Is the covered action consistent with this portion of the regulatory policy? [Appendix 1A](#) is referenced in this regulatory policy.

☒ YES ☐ NO ☐ N/A

Answer Justification: See attached discussion [Best Available Science SHH-LSBC 2018-0717sww.docx](#)

Adaptive Management (23 CCR SECTION 5002 (b), (4))

- c. The covered action involves ecosystem restoration or water management, and includes adequate provisions, appropriate to its scope, to assure continued implementation of adaptive management

Is the covered action consistent with this portion of the regulatory policy? [Appendix 1B](#) is referenced in this regulatory policy.

☒ YES ☐ NO ☐ N/A

Answer Justification: Adaptive Management Plan Attached [AMMP Draft SHH-LSBC 2018-0626.pdf](#)

DELTA PLAN CHAPTER 3

[WR P1 / 23 CCR SECTION 5003](#) - Reduce Reliance on the Delta through Improved Regional Water Self-Reliance

Is the covered action consistent with this regulatory policy?

☐ YES ☐ NO ☒ N/A

Answer Justification: This project only concerns restoration.

WR P2 / 23 CCR SECTION 5004 - Transparency in Water Contracting

Is the covered action consistent with this regulatory policy? [Appendix 2A](#) and [Appendix 2B](#) are referenced in this regulatory policy.

☐ YES ☐ NO ☒ N/A

Answer Justification: this project only concerns restoration

DELTA PLAN CHAPTER 4

Conservation Measure: (23 CCR SECTION 5002 (c))

A conservation measure proposed to be implemented pursuant to a natural community conservation plan or a habitat conservation plan that was:

(1) Developed by a local government in the Delta; and

(2) Approved and permitted by the California Department of Fish and Wildlife prior to May 16, 2013

is deemed to be consistent with the regulatory policies listed under Delta Plan Chapter 4 of this form (i.e. sections 5005 through 5009) if the certification of consistency filed with regard to the conservation measure includes a statement confirming the nature of the conservation measure from the California Department of Fish and Wildlife.

Is a statement confirming the nature of the conservation measure from the California Department of Fish and Wildlife available?

☐ YES ☐ NO ☒ N/A

Answer Justification: The project is in Suisun Marsh covered by the Suisun Marsh Plan.

ER P1 / 23 CCR SECTION 5005 - Delta Flow Objectives

Is the covered action consistent with this regulatory policy?

☐ YES ☐ NO ☒ N/A

Answer Justification: this project only concerns restoration.

ER P2 / 23 CCR SECTION 5006 - Restore Habitats at Appropriate Elevations

Is the covered action consistent with this regulatory policy? [Appendix 3](#) and [Appendix 4](#) are referenced in this regulatory policy.

☒ YES ☐ NO ☐ N/A

Answer Justification: see attached restoration plans [Draft 100% Restoration Design Plans LSBC SHH 2018-0605.pdf](#)

ER P3 / 23 CCR SECTION 5007 - Protect Opportunities to Restore Habitat

Is the covered action consistent with this regulatory policy? [Appendix 4](#) and [Appendix 5](#) are referenced in this regulatory policy.

☐ YES ☐ NO ☒ N/A

Answer Justification: The project is located on property already protected by the Solano Land Trust.

ER P4 / 23 CCR SECTION 5008 - Expand Floodplains and Riparian Habitats in Levee Projects

Is the covered action consistent with this regulatory policy? [Appendix 8](#) is referenced in this regulatory policy.

☐ YES ☐ NO ☒ N/A

Answer Justification: Not located on a levee

ER P5 / 23 CCR SECTION 5009 - Avoid Introductions of and Habitat for Invasive Nonnative Species

Is the covered action consistent with this regulatory policy?

☒ YES ☐ NO ☐ N/A

Answer Justification: See attached. Weed control plans in place for this project. [AMMP Draft_SHH-LSBC_2018-0626.pdf](#), [Draft 100% Restoration Design Plans LSBC SHH_2018-0605.pdf](#)

DELTA PLAN CHAPTER 5

[DP P1 / 23 CCR SECTION 5010](#) - Locate New Urban Development Wisely

Is the covered action consistent with this regulatory policy? [Appendix 6](#) and [Appendix 7](#) are referenced in this regulatory policy.

☐ YES ☐ NO ☒ N/A

Answer Justification: Not a development project.

[DP P2 / 23 CCR SECTION 5011](#) - Respect Local Land Use When Siting Water or Flood Facilities or Restoring Habitats

Is the covered action consistent with this regulatory policy?

☒ YES ☐ NO ☐ N/A

Answer Justification: Project is consistent with zoning and current land use. Project is located on protected conservation lands owned by a Land trust. see attached CEQA document discussions. [PMRR_ISMND_FINAL_5-10rev \(2\) August 20 2015.pdf - Adobe Acrobat Pro.pdf](#)

DELTA PLAN CHAPTER 7

[RR P1](#) - Prioritization of State Investments in Delta Levees and Risk Reduction

Is the covered action consistent with this regulatory policy?

☐ YES ☐ NO ☒ N/A

Answer Justification: Not a levee project.

[RR P2](#) - Require Flood Protection for Residential Development in Rural Areas.

Is the covered action consistent with this regulatory policy? [Appendix 7](#) is referenced in this regulatory policy.

☐ YES ☐ NO ☒ N/A

Answer Justification: Not a development project.

[RR P3](#) - Protect Floodways

Is the covered action consistent with this regulatory policy?

☐ YES ☐ NO ☒ N/A

Answer Justification: Not a flood control project.

[RR P4](#) - Floodplain Protection

Is the covered action consistent with this regulatory policy?

☐ YES ☐ NO ☒ N/A

Answer Justification: Not a floodplain protection project.